



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUL 28 2014

Ref: EPR-N

Bronson Smart, State Engineer
National Resource Conservation Service-Utah
Wallace F. Bennett Federal Building
125 S. State Street – Room 4010
Salt Lake City, UT 84138-1100

Re: Green River/Tusher Diversion Rehabilitation
Project Final Environmental Impact Statement
CEQ # 20140177

Dear State Engineer Smart:

In accordance with our responsibilities under Section 102(2) (C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act (CAA), the U.S. Environmental Protection Agency Region 8 has reviewed the June 2014 Green River/Tusher Diversion Rehabilitation Final Environmental Impact Statement (Final EIS) by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). It is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project.

Project Description

The Green River/Tusher Diversion, constructed in the early 1900s, was damaged by flows in the Green River during 2010 and 2011 flood events. The Final EIS states that in the event of diversion failure due to future flood or high flow conditions, water service to three irrigation canals, the City of Green River, a historic irrigation water delivery system, and one hydropower plant would be eliminated. The Final EIS also states that rehabilitating the diversion would directly result in these resources remaining usable for the water rights holders.

The NRCS and Utah Department of Agriculture and Food (UDAF) analyzed alternatives for:

- maintaining the existing functions of the diversion for water delivery,
- upgrading the diversion structure to current design standards,
- maintaining some features of the historic character of the diversion dam,
- providing upstream and downstream fish passage, fish tracking and fish screening, and

- providing enhanced sediment sluicing, and downstream recreational boat passage.

Fish protection and passage components are proposed in one alternative for inclusion in the project to meet Endangered Species Act requirements for listed fish species populations in the Green River. The boat passage provision is a navigability requirement of the State of Utah.

The EPA's Comments and Recommendations

EPA reviewed the March 14, 2014 Draft EIS and commented in a letter sent on April 30, 2014. The EPA appreciates that the NRCS and UDAF included a comprehensive "Waters of the U.S. and Wetlands Delineation Report" in the Final EIS identifying existing wetlands and an analysis that predicts there will be a temporary impact to wetlands during the rehabilitation construction period, and predicts no long term detrimental impacts to the overall wetlands in the project area.

The EPA also appreciates identification of a preferred alternative that intends to increase the efficiency and flood resiliency of the diversion dam structure while enhancing fish passage and recreational navigation features of the structure within the river system.

Aquatic Resources

The EPA continues to recommend that the Record of Decision (ROD) clearly summarize and reference specific monitoring and documentation procedures to identify any unforeseen construction or post-construction impacts to aquatic resources, such as wetlands, habitat and hydrogeology. The EPA also continues to recommend that the ROD identify what mitigation measures will be implemented if adverse impacts are identified for any of the aquatic resources listed above, during and after completion of construction.

If we may provide further explanation of our comments, please contact me at 303-312-6704. You may also contact Nat Miullo, lead reviewer for this project, at 303-312-6233, or Miullo.nat@epa.gov.

Sincerely,



Suzanne Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystem Protection and Remediation

cc: Greg Allington, McMillen, LLC
c/o Green River Diversion Rehabilitation Project
Larry Crist, Utah Field Supervisor
U.S. Fish and Wildlife Service